



Attorney Docket No. 00027.05CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Joshua D. Rabinowitz, et al. )  
Serial No.: 10/813,721 ) Examiner: M. Haghigian  
Filing Date: March 31, 2004 ) Group Art Unit: 1616  
For: DELIVERY OF ANTIEMETICS )  
THROUGH AN INHALATION ROUTE )

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INFORMATION DISCLOSURE STATEMENT**

Applicant calls the Examiner's attention to the patents and publications listed on the attached Form PTO-1449, copies of required documents enclosed, which may be material to examination of the above identified application.

**TIME OF TRANSMITTAL**

This Information Disclosure Statement is being submitted under 37 CFR § 1.97(c). This Statement is filed after three months from the filing date of the national application, after three months from the date of entry into national stage under 37 CFR § 1.491, after the mailing of a first Office Action on the merits, or after the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR § 1.114, but before the mailing date of any of:

- (a) a final action under 37 CFR § 1.113;
- (b) a notice of allowance under 37 CFR § 1.311; or
- (c) an action that otherwise closes prosecution in the application.

This Statement is accompanied by a check for \$180 in accordance with 37 CFR §§ 1.97(c) and 1.17(p). The undersigned hereby authorizes the charging of any deficiency of fees submitted herewith to Deposit Account No. 19-5117.

09/27/2005 AKELECH1 00000031 10813721

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37 CFR 1.8

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 23, 2005.

Signature:

Name: Tasha L. Pierce

The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner. This listed patents and publications are believed of interest herein and consideration and citation of as interest by Examiner is respectfully requested.

Respectfully submitted,

Date: September 23, 2005

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FORM PTO-1449 U.S. DEPARTMENT OF  
COMMERCE PATENT  
AND TRADEMARK  
OFFICE

List of Information Cited by Applicant

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APPLICANT

Rabinowitz, et al.

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1616

U.S. PATENT DOCUMENTS

EXAM. INITIAL		DOCUMENT NUMBER	DATE	NAME	CLS	SUB- CLS	FILE DATE
	AA	10/057,198	10/26/2001	Lloyd et al.			
	AB	10/146,088	05/13/2002	Hale et al.			
	AC	10/280,315	10/25/2002	Shen			
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	AL	10/851,883	05/20/2004	Hale et al.			
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	AN	10/912,417	08/04/2004	Bennett et al.			
	AO	10/917,720	08/12/2004	Hale et al.			
	AP	10/917,735	08/12/2004	Hale et al.			

FOREIGN PATENT DOCUMENTS

EXAM. INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLS	SUB CLS	TRANS ?
	AQ	GB 502 761	03/24/1939	Great Britain			
	AR	WO 94/09842	05/11/1994	WIPO			
	AS	WO 97/36574	10/09/1997	WIPO			
	AT	WO 03/37412	05/08/2003	WIPO			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	AU	Office Action mailed 12/04/03 for US App. No. 10/057,198 filed 10/26/01, "Method And Device For Delivering A Physiologically Active Compound"
	AV	Office Action mailed 01/12/05 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method"
	AW	Office Action mailed 06/03/04 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method"
	AX	Office Action mailed 12/15/03 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method"
	AY	Office Action mailed 02/27/04 for US App. No. 10/146,080 filed 05/13/02, "Aerosol Forming Device For Use In Inhalation Therapy"

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>FORM PTO-1449</b> <b>U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE</b> List of Information Cited by Applicant Page 2 of 3	<b>ATTY. DOCKET NO.</b>	<b>SERIAL NO.</b>
	00027.05CON	10/813,721
	<b>APPLICANT</b>	
	Rabinowitz, et al.	
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<b>U.S. PATENT DOCUMENTS</b>							
<b>EXAM. INITIAL</b>		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>NAME</b>	<b>CLS</b>	<b>SUB- CLS</b>	<b>FILE DATE</b>
	BA	3,219,533	11/23/1965	Mullins			
	BB	3,949,743	04/13/1976	Shanbrom			
	BC	3,982,095	09/21/1976	Robinson			
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	BGG	5,605,146	02/25/1997	Sarela			

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	CA	5,649,554	07/22/1997	Sprinkel et al.			
	CB	5,666,977	09/16/1997	Higgins et al.			
	CC	5,743,251	04/28/1998	Howell et al.			
	CD	5,819,756	10/13/1998	Mielordt			
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	CV						
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